

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

HANNAH FREDRICKSON, ASHLEY KRENING, )  
and MAURIALEE BRACKE, )

Plaintiffs, )

vs. )

STARBUCKS CORPORATION, )  
a Washington corporation, )

Defendant. )

No. 03:13-cv-00029-HU

**FINDINGS & RECOMMENDATION  
ON BILL OF COSTS**

Jon M. Egan  
Jon M. Egan, P.C.  
240 Sixth Street  
Lake Oswego, OR 97034-2931

Attorney for Plaintiffs

Carol J. Bernick  
Derek D. Green  
Christopher F. McCracken  
Davis Wright Tremaine LLP  
1300 SW Fifth Avenue, Suite 2400  
Portland, OR 97201-5610

Daniel L. Nash  
Akin Gump Strauss Hauer & Feld LLP  
1333 New Hampshire Avenue, NW  
Washington, DC 20036

Gregory W. Knopp  
Akin Gump Strauss Hauer & Feld LLP  
2029 Century Park East, Suite 2400  
Los Angeles, CA 90067

Attorneys for Defendant

1 HUBEL, United States Magistrate Judge:

2 This matter is before the court on the defendant Starbucks  
3 Corporation's Bill of Costs. Starbucks initially sought \$259.15  
4 for a transcript of the dispositive motion hearing; \$350.00 for the  
5 removal filing fee; \$300.00 for three *pro hac vice* filings; and  
6 \$20.00 representing "Docket fee on final hearing." Dkt. #61, p. 2.

7 The plaintiffs objected to everything but the \$350.00 removal  
8 filing fee. Dkt. #65. The filing fee is properly taxed as a cost  
9 under 28 U.S.C. § 1920(1), and Starbucks should be awarded \$350.00  
10 for the removal filing fee.

11 Regarding the hearing transcript, the plaintiffs argue the  
12 transcript "was not reasonably necessary for proper presentation of  
13 this case." Dkt. #65, p. 1. Starbucks argues the transcript was  
14 necessarily obtained in connection with the preparation of its  
15 response to the plaintiffs' objections to my Findings and Recommen-  
16 dations in the case. Dkt. #69. The court disagrees. The plain-  
17 tiffs did not cite the hearing transcript in their objections.  
18 Starbucks cited the hearing transcript in only one instance in its  
19 response, in a footnote, noting the undersigned declined to reach  
20 certain of the parties' arguments in light of my recommendation  
21 that the case be dismissed. See Dkt. #49, ECF p. 15, n.4. Star-  
22 bucks made identical observations in the body of its brief without  
23 citing the transcript at all. *Id.*, ECF pp. 24-29. The court finds  
24 the hearing transcript was not necessary for Starbucks to prepare  
25 its response to the plaintiffs' objections, and was not "neces-  
26 sarily obtained for use in the case." 28 U.S.C. § 1920(2).

27 Starbucks has withdrawn its request for *pro hac vice* fees, in  
28 light of the Ninth Circuit's December 2013 decision in *Kalitta Air*

1 *LLC v. Central Texas Airborne System, Inc.*, 741 F.3d 955, 957-58  
 2 (9th Cir. 2013), in which the court held *pro hac vice* fees are not  
 3 taxable as costs. Starbucks also has withdrawn its request for  
 4 "the docket fee on final hearing." Dkt. #69, p. 2.

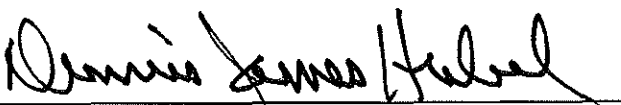
5 In conclusion, the undersigned recommends Starbucks be awarded  
 6 costs in the total sum of \$350.00, representing the removal filing  
 7 fee in this matter.

8  
 9 **SCHEDULING ORDER**

10 These Findings and Recommendations will be referred to a  
 11 district judge. Objections, if any, are due by **August 25, 2014**. If  
 12 no objections are filed, then the Findings and Recommendations will  
 13 go under advisement on that date. If objections are filed, then  
 14 any response is due by **September 11, 2014**. By the earlier of the  
 15 response due date or the date a response is filed, the Findings and  
 16 Recommendations will go under advisement.

17 IT IS SO ORDERED.

18 Dated this 7<sup>th</sup> day of August, 2014.

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 22 Dennis James Hubel  
 23 United States Magistrate Judge  
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